

P.L. 2019, CHAPTER 219, *approved August 9, 2019*
Senate, No. 1739 (*Third Reprint*)

1 AN ACT concerning county corrections officers, supplementing
2 Title 40A of the New Jersey Statutes, and amending various
3 parts of the statutory law.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. (New section) a. The Civil Service Commission shall
9 effectuate the following title changes in the career service:

10 (1) County correction captain shall be retitled as county
11 correctional police captain;

12 (2) County correction lieutenant shall be retitled as county
13 correctional police lieutenant;

14 (3) County correction officer shall be retitled as county
15 correctional police officer; ²**[and]**²

16 (4) County correction sergeant shall be retitled as county
17 correctional police sergeant²;

18 (5) Warden shall be retitled as county correctional police warden;
19 and

20 (6) Deputy warden shall be retitled as county correctional deputy
21 police warden².

22 b. In a county in which Title 11A, Civil Service, of the New
23 Jersey Statutes, is not operative, every county corrections officer title
24 shall be changed to a county correctional police officer title ²and every
25 warden title shall be changed to a county police warden title².

26 c. Any fees associated with the retitling pursuant to subsections a.
27 and b. of this section shall be borne by the county corrections officer
28 ²or warden² whose title is changed.

29
30 2. N.J.S.2A:154-3 is amended to read as follows:

31 2A:154-3. a. All court attendants, sheriff's officers, and county
32 **[correction]** correctional police officers in the competitive class of
33 civil service who have been or who may hereafter be appointed by
34 the sheriff or board of chosen freeholders of any county in this State
35 shall, by virtue of **[such]** the appointment and in addition to any
36 other power or authority, be empowered to act as officers for the

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SLP committee amendments adopted February 8, 2018.

²Senate floor amendments adopted February 26, 2018.

³Assembly ALP committee amendments adopted March 7, 2019.

1 detection, apprehension, arrest, and conviction of offenders against
2 the law.

3 b. In addition to the powers set forth in subsection a. of this
4 section, any county **【correction】** correctional police officer who has
5 satisfactorily completed a basic training course approved by the
6 Police Training Commission, as provided by P.L.1961, c.56
7 (C.52:17B-66 et seq.), shall have full power of arrest for any crime
8 committed in **【his】** the officer's presence anywhere within the
9 territorial limits of the State of New Jersey.

10 c. A county **【correction】** correctional police officer who has
11 full power of arrest pursuant to subsection b. of this section, and is
12 acting under lawful authority beyond the territorial limits of **【his】**
13 the employing county, shall have all of the immunities from tort
14 liability and shall have all of the pension, relief, disability, workers'
15 compensation, insurance, and other benefits enjoyed while
16 performing duties within the employing county.

17 (cf: P.L.1996, c.40, s.1)

18

19 ³**【3.** Section 1 of P.L.1993, c.247 (C.43:16A-3.8) is amended to
20 read as follows:

21 1. a. The following are eligible, regardless of age, to become
22 members of the Police and Firemen's Retirement System of New
23 Jersey (PFRS) as provided in this supplementary act:

24 (1) any policeman or fireman employed on the effective date of
25 this supplementary act by a municipality, which was not required to
26 participate in PFRS under section 3 of P.L.1944, c.255 (C.43:16A-
27 3) and has not adopted that act, who meets the requirements for
28 membership in PFRS as set forth in the definitions of "Policeman"
29 and "Fireman" in section 1 of that act, as amended and
30 supplemented, and who is enrolled in the Public Employees'
31 Retirement System of New Jersey (PERS) on that date;

32 (2) any policeman employed on the effective date of this
33 supplementary act by a county who is enrolled in PERS on that
34 date;

35 (3) any sheriff's officer, sergeant sheriff's officer, lieutenant
36 sheriff's officer, captain sheriff's officer, chief sheriff's officer, or
37 sheriff's investigator employed on the effective date of this
38 supplementary act in the offices of the county sheriffs who is
39 enrolled in PERS on that date;

40 (4) any **【correction】** State correctional police officer, senior
41 **【correction】** correctional police officer, **【correction officer】**
42 correctional police sergeant, **【correction officer】** correctional police
43 lieutenant, **【correction officer】** correctional police captain,
44 investigator, senior investigator, principal investigator, assistant
45 chief investigator, chief investigator, or director of custody
46 operations I, II, III employed on the effective date of this

1 supplementary act in the Department of Corrections who is enrolled
2 in PERS on that date;

3 (5) any county **[correction]** correctional police officer, county
4 **[correction]** correctional police sergeant, county **[correction]**
5 correctional police lieutenant, county **[correction]** correctional
6 police captain, or county deputy warden employed on the effective
7 date of this supplementary act in the several county jails who is
8 enrolled in PERS on that date;

9 (6) any principal inspector employed on the effective date of
10 this supplementary act in the Alcoholic Beverage Control
11 Enforcement Bureau, Department of Law and Public Safety who is
12 enrolled in PERS on that date;

13 (7) any police officer, police sergeant, or police lieutenant
14 employed on the effective date of this supplementary act in the
15 Department of Human Services who is enrolled in PERS on that
16 date; and

17 (8) any fireman employed on the effective date of this
18 supplementary act by a fire district in which the provisions of
19 P.L.1944, c.255 (C.43:16A-1 et seq.) are not operative who meets
20 the requirements for membership in PFRS as set forth in the
21 definition of "Fireman" in section 1 of that act, as amended and
22 supplemented, and who is enrolled in PERS on that date.

23 b. Any person eligible pursuant to subsection a. of this section
24 to become a member of PFRS may, regardless of age, transfer
25 membership from PERS to PFRS in accordance with the provisions
26 of the law and regulations governing the retirement system relative
27 to interfund transfers by waiving, within 90 days of the effective
28 date of this supplementary act, all rights and benefits which would
29 otherwise be provided by PERS. If an eligible person does not file
30 a timely waiver of PERS benefits, the person's pension status shall
31 remain unchanged and the person's membership shall not be
32 transferred to PFRS. Transfers under this section shall take effect
33 on the first day of the first full calendar month following the
34 effective date of this supplementary act by at least 180 days. PERS
35 shall transmit to PFRS an amount equal to the present value of the
36 benefit under PERS accrued to the date of transfer by each person
37 transferring to PFRS. The service credit accrued in PERS to the
38 date of transfer shall be transferred to PFRS and may be used to
39 meet any service credit requirement for benefits under PFRS. Any
40 benefit of a member who transfers membership from PERS to PFRS
41 under this supplementary act based upon service credit shall be the
42 amount of benefit determined as provided under PFRS based upon
43 the total amount of service credit multiplied by the ratio of the
44 service credit under PFRS from the date of transfer to the total
45 amount of service credit, plus a benefit comparable to a PERS
46 deferred, early or regular service retirement benefit, as appropriate,
47 based upon the age of the member at the time of retirement and the
48 amount of PERS service credit transferred to PFRS, determined as

1 provided under the law and regulations governing PERS for the
2 benefit. The total amount of service credit in PFRS, including the
3 transferred PERS service credit, may be used to meet the service
4 credit requirement for the benefit comparable to a PERS deferred or
5 early retirement benefit, but the benefit shall be calculated only on
6 the transferred PERS service credit.

7 Active and retired death benefits, accidental death benefits, and
8 ordinary and accidental disability retirement benefits for members
9 transferring to PFRS under this supplementary act shall be the
10 benefits provided under PFRS.

11 For members transferring to PFRS under this supplementary act,
12 the widows' or widowers' pensions provided under section 26 of
13 P.L.1967, c.250 (C.43:16A-12.1) shall be the amount of the benefit
14 determined as provided in section 26 multiplied by the ratio of the
15 service credit under PFRS from the date of transfer to the total
16 amount of service credit. Transferring members shall be entitled to
17 elect optional retirement allowances for the portions of their
18 retirement benefits based upon their PERS service credit as
19 provided under the laws and regulations governing selection of
20 optional retirement allowances under PERS.

21 (cf: P.L.1993, c.247, s.1)]³

22

23 ³[4.] 3.³ N.J.S.2C:12-1 is amended to read as follows:

24 2C:12-1. Assault. a. Simple assault. A person is guilty of
25 assault if **[he]** the person:

26 (1) Attempts to cause or purposely, knowingly or recklessly
27 causes bodily injury to another; or

28 (2) Negligently causes bodily injury to another with a deadly
29 weapon; or

30 (3) Attempts by physical menace to put another in fear of
31 imminent serious bodily injury.

32 Simple assault is a disorderly persons offense unless committed
33 in a fight or scuffle entered into by mutual consent, in which case it
34 is a petty disorderly persons offense.

35 b. Aggravated assault. A person is guilty of aggravated assault
36 if **[he]** the person:

37 (1) Attempts to cause serious bodily injury to another, or causes
38 **[such]** injury purposely or knowingly or under circumstances
39 manifesting extreme indifference to the value of human life
40 recklessly causes such injury; or

41 (2) Attempts to cause or purposely or knowingly causes bodily
42 injury to another with a deadly weapon; or

43 (3) Recklessly causes bodily injury to another with a deadly
44 weapon; or

45 (4) Knowingly under circumstances manifesting extreme
46 indifference to the value of human life points a firearm, as defined

- 1 in subsection f. of N.J.S.2C:39-1, at or in the direction of another,
2 whether or not the actor believes it to be loaded; or
- 3 (5) Commits a simple assault as defined in paragraph (1), (2)¹,
4 or (3) of subsection a. of this section upon:
- 5 (a) Any law enforcement officer acting in the performance of
6 **【his】** the officer's duties while in uniform or exhibiting evidence of
7 **【his】** authority or because of **【his】** the officer's status as a law
8 enforcement officer; or
- 9 (b) Any paid or volunteer **【fireman】** firefighter acting in the
10 performance of **【his】** the firefighter's duties while in uniform or
11 otherwise clearly identifiable as being engaged in the performance
12 of the duties of a **【fireman】** firefighter; or
- 13 (c) Any person engaged in emergency first-aid or medical
14 services acting in the performance of **【his】** the person's duties
15 while in uniform or otherwise clearly identifiable as being engaged
16 in the performance of emergency first-aid or medical services; or
- 17 (d) Any school board member, school administrator, teacher,
18 school bus driver,₂ or other employee of a public or nonpublic
19 school or school board while clearly identifiable as being engaged
20 in the performance of **【his】** the person's duties or because of **【his】**
21 the ¹**【person's】** person's¹ status as a member or employee of a
22 public or nonpublic school or school board or any school bus driver
23 employed by an operator under contract to a public or nonpublic
24 school or school board while clearly identifiable as being engaged
25 in the performance of **【his】** the person's duties or because of **【his】**
26 the person's status as a school bus driver; or
- 27 (e) Any employee of the Division of Child Protection and
28 Permanency while clearly identifiable as being engaged in the
29 performance of **【his】** the employee's duties or because of **【his】** the
30 status as an employee of the division; or
- 31 (f) Any justice of the Supreme Court, judge of the Superior
32 Court, judge of the Tax ¹**【Court】** Court¹ or municipal judge while
33 clearly identifiable as being engaged in the performance of judicial
34 duties or because of **【his】** the status as a member of the judiciary;
35 or
- 36 (g) Any operator of a motorbus or the operator's supervisor or
37 any employee of a rail passenger service while clearly identifiable
38 as being engaged in the performance of **【his】** the person's duties or
39 because of **【his】** the status as an operator of a motorbus or as the
40 operator's supervisor or as an employee of a rail passenger service;
41 or
- 42 (h) Any Department of Corrections employee, county
43 **【corrections】** correctional police officer, juvenile **【corrections】**
44 correctional police officer, State juvenile facility employee, juvenile
45 detention staff member, juvenile detention officer, probation officer
46 or any sheriff, undersheriff, or sheriff's officer acting in the

1 performance of **【his】** the person's duties while in uniform or
2 exhibiting evidence of **【his】** the person's authority or because of
3 **【his】** the status as a Department of Corrections employee, county
4 **【corrections】** correctional police officer, juvenile **【corrections】**
5 correctional police officer, State juvenile facility employee, juvenile
6 detention staff member, juvenile detention officer, probation
7 officer, sheriff, undersheriff, or sheriff's officer; or

8 (i) Any employee, including any person employed under
9 contract, of a utility company as defined in section 2 of P.L.1971,
10 c.224 (C.2A:42-86) or a cable television company subject to the
11 provisions of the "Cable Television Act," P.L.1972, c.186
12 (C.48:5A-1 et seq.) while clearly identifiable as being engaged in
13 the performance of **【his】** the employee's duties in regard to
14 connecting, disconnecting, or repairing or attempting to connect,
15 disconnect, or repair any gas, electric, or water utility, or cable
16 television or telecommunication service; or

17 (j) Any health care worker employed by a licensed health care
18 facility to provide direct patient care, any health care professional
19 licensed or otherwise authorized pursuant to Title 26 or Title 45 of
20 the Revised Statutes to practice a health care profession, except a
21 direct care worker at a State or county psychiatric hospital or State
22 developmental center or veterans' memorial home, while clearly
23 identifiable as being engaged in the duties of providing direct
24 patient care or practicing the health care profession; or

25 (k) Any direct care worker at a State or county psychiatric
26 hospital or State developmental center or veterans' memorial home,
27 while clearly identifiable as being engaged in the duties of
28 providing direct patient care or practicing the health care
29 profession, provided that the actor is not a patient or resident at the
30 facility who is classified by the facility as having a mental illness or
31 developmental disability; or

32 (6) Causes bodily injury to another person while fleeing or
33 attempting to elude a law enforcement officer in violation of
34 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in
35 violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any
36 other provision of law to the contrary, a person shall be strictly
37 liable for a violation of this paragraph upon proof of a violation of
38 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in
39 violation of subsection c. of N.J.S.2C:20-10 which resulted in
40 bodily injury to another person; or

41 (7) Attempts to cause significant bodily injury to another or
42 causes significant bodily injury purposely or knowingly or, under
43 circumstances manifesting extreme indifference to the value of
44 human life recklessly causes such significant bodily injury; or

45 (8) Causes bodily injury by knowingly or purposely starting a
46 fire or causing an explosion in violation of N.J.S.2C:17-1 which
47 results in bodily injury to any emergency services personnel

1 involved in fire suppression activities, rendering emergency
2 medical services resulting from the fire or explosion or rescue
3 operations, or rendering any necessary assistance at the scene of the
4 fire or explosion, including any bodily injury sustained while
5 responding to the scene of a reported fire or explosion. For
6 purposes of this paragraph, "emergency services personnel" shall
7 include, but not be limited to, any paid or volunteer **[fireman]**
8 firefighter, any person engaged in emergency first-aid or medical
9 services and any law enforcement officer. Notwithstanding any
10 other provision of law to the contrary, a person shall be strictly
11 liable for a violation of this paragraph upon proof of a violation of
12 N.J.S.2C:17-1 which resulted in bodily injury to any emergency
13 services personnel; or

14 (9) Knowingly, under circumstances manifesting extreme
15 indifference to the value of human life, points or displays a firearm,
16 as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of
17 a law enforcement officer; or

18 (10) Knowingly points, displays or uses an imitation firearm, as
19 defined in subsection v. of N.J.S.2C:39-1, at or in the direction of a
20 law enforcement officer with the purpose to intimidate, threaten,
21 attempt to put the officer in fear of bodily injury or for any unlawful
22 purpose; or

23 (11) Uses or activates a laser sighting system or device, or a
24 system or device which, in the manner used, would cause a
25 reasonable person to believe that it is a laser sighting system or
26 device, against a law enforcement officer acting in the performance
27 of **[his]** the officer's duties while in uniform or exhibiting evidence
28 of **[his]** the officer's authority. As used in this paragraph, "laser
29 sighting system or device" means any system or device that is
30 integrated with or affixed to a firearm and emits a laser light beam
31 that is used to assist in the sight alignment or aiming of the firearm;
32 or

33 (12) Attempts to cause significant bodily injury or causes
34 significant bodily injury purposely or knowingly or, under
35 circumstances manifesting extreme indifference to the value of
36 human life, recklessly causes significant bodily injury to a person
37 who, with respect to the actor, meets the definition of a victim of
38 domestic violence, as defined in subsection d. of section 3 of
39 P.L.1991, c.261 (C.2C:25-19); or

40 (13) Knowingly or, under circumstances manifesting extreme
41 indifference to the value of human life, recklessly obstructs the
42 breathing or blood circulation of a person who, with respect to the
43 actor, meets the definition of a victim of domestic violence, as
44 defined in subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-
45 19), by applying pressure on the throat or neck or blocking the nose
46 or mouth of such person, thereby causing or attempting to cause
47 bodily injury.

1 Aggravated assault under paragraphs (1) and (6) of subsection b.
2 of this section is a crime of the second degree; under paragraphs
3 (2), (7), (9)¹₂¹ and (10) of subsection b. of this section is a crime of
4 the third degree; under paragraphs (3) and (4) of subsection b. of
5 this section is a crime of the fourth degree; and under paragraph (5)
6 of subsection b. of this section is a crime of the third degree if the
7 victim suffers bodily injury, otherwise it is a crime of the fourth
8 degree. Aggravated assault under paragraph (8) of subsection b. of
9 this section is a crime of the third degree if the victim suffers bodily
10 injury; if the victim suffers significant bodily injury or serious
11 bodily injury it is a crime of the second degree. Aggravated assault
12 under paragraph (11) of subsection b. of this section is a crime of
13 the third degree. Aggravated assault under paragraph (12) or (13)
14 of subsection b. of this section is a crime of the third degree but the
15 presumption of non-imprisonment set forth in subsection e. of
16 N.J.S.2C:44-1 for a first offense of a crime of the third degree shall
17 not apply.

18 c. (1) A person is guilty of assault by auto or vessel when the
19 person drives a vehicle or vessel recklessly and causes either
20 serious bodily injury or bodily injury to another. Assault by auto or
21 vessel is a crime of the fourth degree if serious bodily injury results
22 and is a disorderly persons offense if bodily injury results. Proof
23 that the defendant was operating a hand-held wireless telephone
24 while driving a motor vehicle in violation of section 1 of P.L.2003,
25 c.310 (C.39:4-97.3) may give rise to an inference that the defendant
26 was driving recklessly.

27 (2) Assault by auto or vessel is a crime of the third degree if the
28 person drives the vehicle while in violation of R.S.39:4-50 or
29 section 2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily
30 injury results and is a crime of the fourth degree if the person drives
31 the vehicle while in violation of R.S.39:4-50 or section 2 of
32 P.L.1981, c.512 (C.39:4-50.4a) and bodily injury results.

33 (3) Assault by auto or vessel is a crime of the second degree if
34 serious bodily injury results from the defendant operating the auto
35 or vessel while in violation of R.S.39:4-50 or section 2 of P.L.1981,
36 c.512 (C.39:4-50.4a) while:

37 (a) on any school property used for school purposes which is
38 owned by or leased to any elementary or secondary school or school
39 board, or within 1,000 feet of such school property;

40 (b) driving through a school crossing as defined in R.S.39:1-1 if
41 the municipality, by ordinance or resolution, has designated the
42 school crossing as such; or

43 (c) driving through a school crossing as defined in R.S.39:1-1
44 knowing that juveniles are present if the municipality has not
45 designated the school crossing as such by ordinance or resolution.

46 Assault by auto or vessel is a crime of the third degree if bodily
47 injury results from the defendant operating the auto or vessel in
48 violation of this paragraph.

1 A map or true copy of a map depicting the location and
2 boundaries of the area on or within 1,000 feet of any property used
3 for school purposes which is owned by or leased to any elementary
4 or secondary school or school board produced pursuant to section 1
5 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under
6 subparagraph (a) of paragraph (3) of this subsection.

7 It shall be no defense to a prosecution for a violation of
8 subparagraph (a) or (b) of paragraph (3) of this subsection that the
9 defendant was unaware that the prohibited conduct took place while
10 on or within 1,000 feet of any school property or while driving
11 through a school crossing. Nor shall it be a defense to a prosecution
12 under subparagraph (a) or (b) of paragraph (3) of this subsection
13 that no juveniles were present on the school property or crossing
14 zone at the time of the offense or that the school was not in session.

15 (4) Assault by auto or vessel is a crime of the third degree if the
16 person purposely drives a vehicle in an aggressive manner directed
17 at another vehicle and serious bodily injury results and is a crime of
18 the fourth degree if the person purposely drives a vehicle in an
19 aggressive manner directed at another vehicle and bodily injury
20 results. For purposes of this paragraph, "driving a vehicle in an
21 aggressive manner" shall include, but is not limited to,
22 unexpectedly altering the speed of the vehicle, making improper or
23 erratic traffic lane changes, disregarding traffic control devices,
24 failing to yield the right of way, or following another vehicle too
25 closely.

26 As used in this subsection, "vessel" means a means of
27 conveyance for travel on water and propelled otherwise than by
28 muscular power.

29 d. A person who is employed by a facility as defined in section
30 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as
31 defined in paragraph (1) or (2) of subsection a. of this section upon
32 an institutionalized elderly person as defined in section 2 of
33 P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth
34 degree.

35 e. (Deleted by amendment, P.L.2001, c.443).

36 f. A person who commits a simple assault as defined in
37 paragraph (1), (2)^{1,1} or (3) of subsection a. of this section in the
38 presence of a child under 16 years of age at a school or community
39 sponsored youth sports event is guilty of a crime of the fourth
40 degree. The defendant shall be strictly liable upon proof that the
41 offense occurred, in fact, in the presence of a child under 16 years
42 of age. It shall not be a defense that the defendant did not know
43 that the child was present or reasonably believed that the child was
44 16 years of age or older. The provisions of this subsection shall not
45 be construed to create any liability on the part of a participant in a
46 youth sports event or to abrogate any immunity or defense available
47 to a participant in a youth sports event. As used in this act, "school
48 or community sponsored youth sports event" means a competition,

1 practice, or instructional event involving one or more
2 interscholastic sports teams or youth sports teams organized
3 pursuant to a nonprofit or similar charter or which are member
4 teams in a youth league organized by or affiliated with a county or
5 municipal recreation department and shall not include collegiate,
6 semi-professional or professional sporting events.
7 (cf: P.L.2017, c.240, s.1)

8
9 ³[5.]⁴ Section 2 of P.L.1997, c.182 (C.2C:12-13) is
10 amended to read as follows:

11 2. A person who throws a bodily fluid at a Department of
12 Corrections employee, county **[corrections]** correctional police
13 officer, juvenile **[corrections]** correctional police officer, State
14 juvenile facility employee, juvenile detention staff member,
15 probation officer, any sheriff, undersheriff or sheriff's officer or any
16 municipal, county, or State law enforcement officer while in the
17 performance of **[his]** the person's duties or otherwise purposely
18 subjects such employee to contact with a bodily fluid commits an
19 aggravated assault. If the victim suffers bodily injury, this shall be
20 a crime of the third degree. Otherwise, this shall be a crime of the
21 fourth degree. A term of imprisonment imposed for this offense
22 shall run consecutively to any term of imprisonment currently being
23 served and to any other term imposed for another offense
24 committed at the time of the assault. Nothing herein shall be
25 deemed to preclude, if the evidence so warrants, an indictment and
26 conviction for a violation or attempted violation of chapter 11 of
27 Title 2C of the New Jersey Statutes or subsection b. of N.J.S.2C:12-
28 1 or any other provision of the criminal laws.
29 (cf: P.L.2003, c.283, s.1)

30
31 ³5. N.J.S.2C:39-6 is amended to read as follows:

32 2C:39-6. a. Provided a person complies with the requirements
33 of subsection j. of this section, N.J.S.2C:39-5 does not apply to:

34 (1) Members of the Armed Forces of the United States or of the
35 National Guard while actually on duty, or while traveling between
36 places of duty and carrying authorized weapons in the manner
37 prescribed by the appropriate military authorities;

38 (2) Federal law enforcement officers, and any other federal
39 officers and employees required to carry firearms in the
40 performance of their official duties;

41 (3) Members of the State Police and, under conditions
42 prescribed by the superintendent, members of the Marine Law
43 Enforcement Bureau of the Division of State Police;

44 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
45 assistant prosecutor, prosecutor's detective or investigator, deputy
46 attorney general or State investigator employed by the Division of
47 Criminal Justice of the Department of Law and Public Safety,

1 investigator employed by the State Commission of Investigation,
2 inspector of the Alcoholic Beverage Control Enforcement Bureau of
3 the Division of State Police in the Department of Law and Public
4 Safety authorized to carry weapons by the Superintendent of State
5 Police, State park police officer, or State conservation officer;

6 (5) Except as hereinafter provided, a State correctional police
7 officer, or a prison or jail warden of any penal institution in this
8 State or **【his】** the warden's deputies, or an employee of the
9 Department of Corrections engaged in the interstate transportation
10 of convicted offenders, while in the performance of **【his】** the
11 employee's duties, and when required to possess the weapon by
12 **【his】** a superior officer, or a **【corrections】** correctional police
13 officer or keeper of a penal institution in this State at all times while
14 in the State of New Jersey, provided **【he】** the person annually
15 passes an examination approved by the superintendent testing **【his】**
16 the person's proficiency in the handling of firearms;

17 (6) A civilian employee of the United States Government under
18 the supervision of the commanding officer of any post, camp,
19 station, base, or other military or naval installation located in this
20 State who is required, in the performance of **【his】** the employee's
21 official duties, to carry firearms, and who is authorized to carry
22 firearms by the commanding officer, while in the actual
23 performance of **【his】** the employee's official duties;

24 (7) (a) A regularly employed member, including a detective, of
25 the police department of any county or municipality, or of any
26 State, interstate, municipal, or county park police force or
27 boulevard police force, at all times while in the State of New
28 Jersey;

29 (b) A special law enforcement officer authorized to carry a
30 weapon as provided in subsection b. of section 7 of P.L.1985, c.439
31 (C.40A:14-146.14);

32 (c) An airport security officer or a special law enforcement
33 officer appointed by the governing body of any county or
34 municipality, except as provided in **【subsection】** subparagraph (b)
35 of paragraph (7) of this **【section】** subsection, or by the commission,
36 board or other body having control of a county park or airport or
37 boulevard police force, while engaged in the actual performance of
38 **【his】** the officer's official duties and when specifically authorized
39 by the governing body to carry weapons;

40 (8) A full-time, paid member of a paid or part-paid fire
41 department or force of any municipality who is assigned full-time
42 or part-time to an arson investigation unit created pursuant to
43 section 1 of P.L.1981, c.409 (C.40A:14-7.1) or to the county arson
44 investigation unit in the county prosecutor's office, while either
45 engaged in the actual performance of arson investigation duties or
46 while actually on call to perform arson investigation duties and
47 when specifically authorized by the governing body or the county

1 prosecutor, as the case may be, to carry weapons. Prior to being
2 permitted to carry a firearm, a member shall take and successfully
3 complete a firearms training course administered by the Police
4 Training Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et
5 seq.), and shall annually qualify in the use of a revolver or similar
6 weapon prior to being permitted to carry a firearm;

7 (9) A juvenile **【corrections】** correctional police officer in the
8 employment of the Juvenile Justice Commission established
9 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) subject to
10 the regulations promulgated by the commission;

11 (10) A designated employee or designated licensed agent for a
12 nuclear power plant under license of the Nuclear Regulatory
13 Commission, while in the actual performance of **【his】** the person's
14 official duties, if the federal licensee certifies that the designated
15 employee or designated licensed agent is assigned to perform site
16 protection, guard, armed response or armed escort duties and is
17 appropriately trained and qualified, as prescribed by federal
18 regulation, to perform those duties. Any firearm utilized by an
19 employee or agent for a nuclear power plant pursuant to this
20 paragraph shall be returned each day at the end of the employee's or
21 agent's authorized official duties to the employee's or agent's
22 supervisor. All firearms returned each day pursuant to this
23 paragraph shall be stored in locked containers located in a secure
24 area;

25 (11) A county **【corrections】** correctional police officer at all
26 times while in the State of New Jersey, provided **【he】** the officer
27 annually passes an examination approved by the superintendent
28 testing **【his】** the officer's proficiency in the handling of firearms.

29 b. Subsections a., b., and c. of N.J.S.2C:39-5 do not apply to:

30 (1) A law enforcement officer employed by a governmental
31 agency outside of the State of New Jersey while actually engaged in
32 **【his】** the officer's official duties, provided, however, that **【he】** the
33 officer has first notified the superintendent or the chief law
34 enforcement officer of the municipality or the prosecutor of the
35 county in which **【he】** the officer is engaged; or

36 (2) A licensed dealer in firearms and **【his】** the dealer's
37 registered employees during the course of their normal business
38 while traveling to and from their place of business and other places
39 for the purpose of demonstration, exhibition, or delivery in
40 connection with a sale, provided, however, that the weapon is
41 carried in the manner specified in subsection g. of this section.

42 c. Provided a person complies with the requirements of
43 subsection j. of this section, subsections b. and c. of N.J.S.2C:39-5
44 do not apply to:

45 (1) A special agent of the Division of Taxation who has passed
46 an examination in an approved police training program testing
47 proficiency in the handling of any firearm which **【he】** the agent

- 1 may be required to carry, while in the actual performance of **【his】**
2 the agent's official duties and while going to or from **【his】** the
3 agent's place of duty, or any other police officer, while in the actual
4 performance of **【his】** the officer's official duties;
- 5 (2) A State deputy conservation officer or a full-time employee
6 of the Division of Parks and Forestry having the power of arrest and
7 authorized to carry weapons, while in the actual performance of
8 **【his】** the officer's official duties;
- 9 (3) (Deleted by amendment, P.L.1986, c.150.)
- 10 (4) A court attendant appointed by the sheriff of the county or
11 by the judge of any municipal court or other court of this State,
12 while in the actual performance of **【his】** the attendant's official
13 duties;
- 14 (5) A guard employed by any railway express company, banking
15 or building and loan or savings and loan institution of this State,
16 while in the actual performance of **【his】** the guard's official duties;
- 17 (6) A member of a legally recognized military organization
18 while actually under orders or while going to or from the prescribed
19 place of meeting and carrying the weapons prescribed for drill,
20 exercise or parade;
- 21 (7) A municipal humane law enforcement officer, authorized
22 pursuant to subsection d. of section 25 of P.L.2017, c.331 (C.4:22-
23 14.1), or humane law enforcement officer of a county society for
24 the prevention of cruelty to animals authorized pursuant to
25 subsection c. of section 29 of P.L.2017, c.331 (C.4:22-14.5), while
26 in the actual performance of the officer's duties;
- 27 (8) An employee of a public utilities corporation actually
28 engaged in the transportation of explosives;
- 29 (9) A railway policeman, except a transit police officer of the
30 New Jersey Transit Police Department, at all times while in the
31 State of New Jersey, provided that **【he】** the person has passed an
32 approved police academy training program consisting of at least
33 280 hours. The training program shall include, but need not be
34 limited to, the handling of firearms, community relations, and
35 juvenile relations;
- 36 (10) A campus police officer appointed under P.L.1970, c.211
37 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry
38 a firearm, a campus police officer shall take and successfully
39 complete a firearms training course administered by the Police
40 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
41 seq.), and shall annually qualify in the use of a revolver or similar
42 weapon prior to being permitted to carry a firearm;
- 43 (11) (Deleted by amendment, P.L.2003, c.168).
- 44 (12) A transit police officer of the New Jersey Transit Police
45 Department, at all times while in the State of New Jersey, provided
46 the officer has satisfied the training requirements of the Police

1 Training Commission, pursuant to subsection c. of section 2 of
2 P.L.1989, c.291 (C.27:25-15.1);

3 (13) A parole officer employed by the State Parole Board at all
4 times. Prior to being permitted to carry a firearm, a parole officer
5 shall take and successfully complete a basic course for regular
6 police officer training administered by the Police Training
7 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
8 shall annually qualify in the use of a revolver or similar weapon
9 prior to being permitted to carry a firearm;

10 (14) A Human Services police officer at all times while in the
11 State of New Jersey, as authorized by the Commissioner of Human
12 Services;

13 (15) A person or employee of any person who, pursuant to and as
14 required by a contract with a governmental entity, supervises or
15 transports persons charged with or convicted of an offense;

16 (16) A housing authority police officer appointed under
17 P.L.1997, c.210 (C.40A:14-146.19 et al.) at all times while in the
18 State of New Jersey; or

19 (17) A probation officer assigned to the "Probation Officer
20 Community Safety Unit" created by section 2 of P.L.2001, c.362
21 (C.2B:10A-2) while in the actual performance of the probation
22 officer's official duties. Prior to being permitted to carry a firearm,
23 a probation officer shall take and successfully complete a basic
24 course for regular police officer training administered by the Police
25 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
26 seq.), and shall annually qualify in the use of a revolver or similar
27 weapon prior to being permitted to carry a firearm.

28 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to
29 antique firearms, provided that the antique firearms are unloaded or
30 are being fired for the purposes of exhibition or demonstration at an
31 authorized target range or in another manner approved in writing by
32 the chief law enforcement officer of the municipality in which the
33 exhibition or demonstration is held, or if not held on property under
34 the control of a particular municipality, the superintendent.

35 (2) Subsection a. of N.J.S.2C:39-3 and subsection d. of
36 N.J.S.2C:39-5 do not apply to an antique cannon that is capable of
37 being fired but that is unloaded and immobile, provided that the
38 antique cannon is possessed by (a) a scholastic institution, a
39 museum, a municipality, a county or the State, or (b) a person who
40 obtained a firearms purchaser identification card as specified in
41 N.J.S.2C:58-3.

42 (3) Subsection a. of N.J.S.2C:39-3 and subsection d. of
43 N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is
44 being transported by one eligible to possess it, in compliance with
45 regulations the superintendent may promulgate, between its
46 permanent location and place of purchase or repair.

47 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of
48 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded

1 or fired by one eligible to possess an antique cannon, for purposes
2 of exhibition or demonstration at an authorized target range or in
3 the manner as has been approved in writing by the chief law
4 enforcement officer of the municipality in which the exhibition or
5 demonstration is held, or if not held on property under the control
6 of a particular municipality, the superintendent, provided that
7 performer has given at least 30 days' notice to the superintendent.

8 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
9 N.J.S.2C:39-5 do not apply to the transportation of unloaded
10 antique cannons directly to or from exhibitions or demonstrations
11 authorized under paragraph (4) of subsection d. of this section,
12 provided that the transportation is in compliance with safety
13 regulations the superintendent may promulgate. Those subsections
14 shall not apply to transportation directly to or from exhibitions or
15 demonstrations authorized under the law of another jurisdiction,
16 provided that the superintendent has been given 30 days' notice and
17 that the transportation is in compliance with safety regulations the
18 superintendent may promulgate.

19 e. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall
20 be construed to prevent a person keeping or carrying about **【his】**
21 the person's place of business, residence, premises, or other land
22 owned or possessed by **【him】** the person, any firearm, or from
23 carrying the same, in the manner specified in subsection g. of this
24 section, from any place of purchase to **【his】** the person's residence
25 or place of business, between **【his】** the person's dwelling and **【his】**
26 place of business, between one place of business or residence and
27 another when moving, or between **【his】** the person's dwelling or
28 place of business and place where the firearms are repaired, for the
29 purpose of repair. For the purposes of this section, a place of
30 business shall be deemed to be a fixed location.

31 f. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall
32 be construed to prevent:

33 (1) A member of any rifle or pistol club organized in accordance
34 with the rules prescribed by the National Board for the Promotion
35 of Rifle Practice, in going to or from a place of target practice,
36 carrying firearms necessary for target practice, provided that the
37 club has filed a copy of its charter with the superintendent and
38 annually submits a list of its members to the superintendent and
39 provided further that the firearms are carried in the manner
40 specified in subsection g. of this section;

41 (2) A person carrying a firearm or knife in the woods or fields
42 or upon the waters of this State for the purpose of hunting, target
43 practice or fishing, provided that the firearm or knife is legal and
44 appropriate for hunting or fishing purposes in this State and **【he】**
45 the person has in **【his】** possession a valid hunting license, or, with
46 respect to fresh water fishing, a valid fishing license;

47 (3) A person transporting any firearm or knife while traveling:

- 1 (a) Directly to or from any place for the purpose of hunting or
2 fishing, provided the person has in **【his】** possession a valid hunting
3 or fishing license; or
- 4 (b) Directly to or from any target range, or other authorized
5 place for the purpose of practice, match, target, trap or skeet
6 shooting exhibitions, provided in all cases that during the course of
7 the travel all firearms are carried in the manner specified in
8 subsection g. of this section and the person has complied with all
9 the provisions and requirements of Title 23 of the Revised Statutes
10 and any amendments thereto and all rules and regulations
11 promulgated thereunder; or
- 12 (c) In the case of a firearm, directly to or from any exhibition or
13 display of firearms which is sponsored by any law enforcement
14 agency, any rifle or pistol club, or any firearms collectors club, for
15 the purpose of displaying the firearms to the public or to the
16 members of the organization or club, provided, however, that not
17 less than 30 days prior to the exhibition or display, notice of the
18 exhibition or display shall be given to the Superintendent of the
19 State Police by the sponsoring organization or club, and the sponsor
20 has complied with any reasonable safety regulations the
21 superintendent may promulgate. Any firearms transported pursuant
22 to this section shall be transported in the manner specified in
23 subsection g. of this section;
- 24 (4) A person from keeping or carrying about a private or
25 commercial aircraft or any boat, or from transporting to or from the
26 aircraft or boat for the purpose of installation or repair of a visual
27 distress signaling device approved by the United States Coast
28 Guard.
- 29 g. Any weapon being transported under paragraph (2) of
30 subsection b., subsection e., or paragraph (1) or (3) of subsection f.
31 of this section shall be carried unloaded and contained in a closed
32 and fastened case, gunbox, securely tied package, or locked in the
33 trunk of the automobile in which it is being transported, and in the
34 course of travel shall include only deviations as are reasonably
35 necessary under the circumstances.
- 36 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
37 to prevent any employee of a public utility, as defined in R.S.48:2-
38 13, doing business in this State or any United States Postal Service
39 employee, while in the actual performance of duties which
40 specifically require regular and frequent visits to private premises,
41 from possessing, carrying or using any device which projects,
42 releases or emits any substance specified as being noninjurious to
43 canines or other animals by the Commissioner of Health and which
44 immobilizes only on a temporary basis and produces only
45 temporary physical discomfort through being vaporized or
46 otherwise dispensed in the air for the sole purpose of repelling
47 canine or other animal attacks.

1 The device shall be used solely to repel only those canine or
2 other animal attacks when the canines or other animals are not
3 restrained in a fashion sufficient to allow the employee to properly
4 perform **【his】** the employee's duties.

5 Any device used pursuant to this act shall be selected from a list
6 of products, which consist of active and inert ingredients, permitted
7 by the Commissioner of Health.

8 i. (1) Nothing in N.J.S.2C:39-5 shall be construed to prevent
9 any person who is 18 years of age or older and who has not been
10 convicted of a crime, from possession for the purpose of personal
11 self-defense of one pocket-sized device which contains and releases
12 not more than three-quarters of an ounce of chemical substance not
13 ordinarily capable of lethal use or of inflicting serious bodily injury,
14 but rather, is intended to produce temporary physical discomfort or
15 disability through being vaporized or otherwise dispensed in the air.
16 Any person in possession of any device in violation of this
17 subsection shall be deemed and adjudged to be a disorderly person,
18 and upon conviction thereof, shall be punished by a fine of not less
19 than \$100.

20 (2) Notwithstanding the provisions of paragraph (1) of this
21 subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a
22 health inspector or investigator operating pursuant to the provisions
23 of section 7 of P.L.1977, c.443 (C.26:3A2-25) or a building
24 inspector from possessing a device which is capable of releasing
25 more than three-quarters of an ounce of a chemical substance, as
26 described in paragraph (1), while in the actual performance of the
27 inspector's or investigator's duties, provided that the device does not
28 exceed the size of those used by law enforcement.

29 j. A person shall qualify for an exemption from the provisions
30 of N.J.S.2C:39-5, as specified under subsections a. and c. of this
31 section, if the person has satisfactorily completed a firearms
32 training course approved by the Police Training Commission.

33 The exempt person shall not possess or carry a firearm until the
34 person has satisfactorily completed a firearms training course and
35 shall annually qualify in the use of a revolver or similar weapon.
36 For purposes of this subsection, a "firearms training course" means
37 a course of instruction in the safe use, maintenance and storage of
38 firearms which is approved by the Police Training Commission.
39 The commission shall approve a firearms training course if the
40 requirements of the course are substantially equivalent to the
41 requirements for firearms training provided by police training
42 courses which are certified under section 6 of P.L.1961, c.56
43 (C.52:17B-71). A person who is specified in paragraph (1), (2), (3),
44 or (6) of subsection a. of this section shall be exempt from the
45 requirements of this subsection.

46 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
47 to prevent any financial institution, or any duly authorized
48 personnel of the institution, from possessing, carrying or using for

1 the protection of money or property, any device which projects,
2 releases or emits tear gas or other substances intended to produce
3 temporary physical discomfort or temporary identification.

4 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed
5 to prevent a law enforcement officer who retired in good standing,
6 including a retirement because of a disability pursuant to section 6
7 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
8 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1), or any
9 substantially similar statute governing the disability retirement of
10 federal law enforcement officers, provided the officer was a
11 regularly employed, full-time law enforcement officer for an
12 aggregate of four or more years prior to **[his]** the officer's
13 disability retirement and further provided that the disability which
14 constituted the basis for the officer's retirement did not involve a
15 certification that the officer was mentally incapacitated for the
16 performance of **[his]** the officer's usual law enforcement duties and
17 any other available duty in the department which **[his]** the officer's
18 employer was willing to assign to **[him]** the officer or does not
19 subject that retired officer to any of the disabilities set forth in
20 subsection c. of N.J.S.2C:58-3 which would disqualify the retired
21 officer from possessing or carrying a firearm, who semi-annually
22 qualifies in the use of the handgun **[he]** the officer is permitted to
23 carry in accordance with the requirements and procedures
24 established by the Attorney General pursuant to subsection j. of this
25 section and pays the actual costs associated with those semi-annual
26 qualifications, who is 75 years of age or younger, and who was
27 regularly employed as a full-time member of the State Police; a
28 full-time member of an interstate police force; a full-time member
29 of a county or municipal police department in this State; a full-time
30 member of a State law enforcement agency; a full-time sheriff,
31 undersheriff or sheriff's officer of a county of this State; a full-time
32 State correctional police officer or county **[corrections]**
33 correctional police officer; a full-time State or county park police
34 officer; a full-time special agent of the Division of Taxation; a full-
35 time Human Services police officer; a full-time transit police officer
36 of the New Jersey Transit Police Department; a full-time campus
37 police officer exempted pursuant to paragraph (10) of subsection c.
38 of this section; a full-time State conservation officer exempted
39 pursuant to paragraph (4) of subsection a. of this section; a full-time
40 Palisades Interstate Park officer appointed pursuant to R.S.32:14-
41 21; a full-time Burlington County Bridge police officer appointed
42 pursuant to section 1 of P.L.1960, c.168 (C.27:19-36.3); a full-time
43 housing authority police officer exempted pursuant to paragraph
44 (16) of subsection c. of this section; a full-time juvenile
45 **[corrections]** correctional police officer exempted pursuant to
46 paragraph (9) of subsection a. of this section; a full-time parole
47 officer exempted pursuant to paragraph (13) of subsection c. of this

1 section; a full-time railway policeman exempted pursuant to
2 paragraph (9) of subsection c. of this section; a full-time county
3 prosecutor's detective or investigator; a full-time federal law
4 enforcement officer; or is a qualified retired law enforcement
5 officer, as used in the federal "Law Enforcement Officers Safety
6 Act of 2004," Pub.L. 108-277, domiciled in this State from carrying
7 a handgun in the same manner as law enforcement officers
8 exempted under paragraph (7) of subsection a. of this section under
9 the conditions provided herein:

10 (1) The retired law enforcement officer shall make application
11 in writing to the Superintendent of State Police for approval to carry
12 a handgun for one year. An application for annual renewal shall be
13 submitted in the same manner.

14 (2) Upon receipt of the written application of the retired law
15 enforcement officer, the superintendent shall request a verification
16 of service from the chief law enforcement officer of the
17 organization in which the retired officer was last regularly
18 employed as a full-time law enforcement officer prior to retiring.
19 The verification of service shall include:

20 (a) The name and address of the retired officer;

21 (b) The date that the retired officer was hired and the date that
22 the officer retired;

23 (c) A list of all handguns known to be registered to that officer;

24 (d) A statement that, to the reasonable knowledge of the chief
25 law enforcement officer, the retired officer is not subject to any of
26 the restrictions set forth in subsection c. of N.J.S.2C:58-3; and

27 (e) A statement that the officer retired in good standing.

28 (3) If the superintendent approves a retired officer's application
29 or reapplication to carry a handgun pursuant to the provisions of
30 this subsection, the superintendent shall notify in writing the chief
31 law enforcement officer of the municipality wherein that retired
32 officer resides. In the event the retired officer resides in a
33 municipality which has no chief law enforcement officer or law
34 enforcement agency, the superintendent shall maintain a record of
35 the approval.

36 (4) The superintendent shall issue to an approved retired officer
37 an identification card permitting the retired officer to carry a
38 handgun pursuant to this subsection. This identification card shall
39 be valid for one year from the date of issuance and shall be valid
40 throughout the State. The identification card shall not be
41 transferable to any other person. The identification card shall be
42 carried at all times on the person of the retired officer while the
43 retired officer is carrying a handgun. The retired officer shall
44 produce the identification card for review on the demand of any law
45 enforcement officer or authority.

46 (5) Any person aggrieved by the denial of the superintendent of
47 approval for a permit to carry a handgun pursuant to this subsection
48 may request a hearing in the Superior Court of New Jersey in the

1 county in which **【he】** the person resides by filing a written request
2 for a hearing within 30 days of the denial. Copies of the request
3 shall be served upon the superintendent and the county prosecutor.
4 The hearing shall be held within 30 days of the filing of the request,
5 and no formal pleading or filing fee shall be required. Appeals
6 from the determination of the hearing shall be in accordance with
7 law and the rules governing the courts of this State.

8 (6) A judge of the Superior Court may revoke a retired officer's
9 privilege to carry a handgun pursuant to this subsection for good
10 cause shown on the application of any interested person. A person
11 who becomes subject to any of the disabilities set forth in
12 subsection c. of N.J.S.2C:58-3 shall surrender, as prescribed by the
13 superintendent, **【his】** the person's identification card issued under
14 paragraph (4) of this subsection to the chief law enforcement officer
15 of the municipality wherein **【he】** the person resides or the
16 superintendent, and shall be permanently disqualified to carry a
17 handgun under this subsection.

18 (7) The superintendent may charge a reasonable application fee
19 to retired officers to offset any costs associated with administering
20 the application process set forth in this subsection.

21 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
22 to prevent duly authorized personnel of the New Jersey Division of
23 Fish and Wildlife, while in the actual performance of duties, from
24 possessing, transporting or using any device that projects, releases
25 or emits any substance specified as being non-injurious to wildlife
26 by the Director of the Division of Animal Health in the Department
27 of Agriculture, and which may immobilize wildlife and produces
28 only temporary physical discomfort through being vaporized or
29 otherwise dispensed in the air for the purpose of repelling bear or
30 other animal attacks or for the aversive conditioning of wildlife.

31 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall
32 be construed to prevent duly authorized personnel of the New
33 Jersey Division of Fish and Wildlife, while in the actual
34 performance of duties, from possessing, transporting or using hand
35 held pistol-like devices, rifles or shotguns that launch pyrotechnic
36 missiles for the sole purpose of frightening, hazing or aversive
37 conditioning of nuisance or depredating wildlife; from possessing,
38 transporting or using rifles, pistols or similar devices for the sole
39 purpose of chemically immobilizing wild or non-domestic animals;
40 or, provided the duly authorized person complies with the
41 requirements of subsection j. of this section, from possessing,
42 transporting or using rifles or shotguns, upon completion of a Police
43 Training Commission approved training course, in order to dispatch
44 injured or dangerous animals or for non-lethal use for the purpose
45 of frightening, hazing or aversive conditioning of nuisance or
46 depredating wildlife.³

47 (cf: P.L.2017, c.331, s.4)

1 ³[6. N.J.S.2C:39-6 is amended to read as follows:

2 2C:39-6. a. Provided a person complies with the requirements
3 of subsection j. of this section, N.J.S.2C:39-5 does not apply to:

4 (1) Members of the Armed Forces of the United States or of the
5 National Guard while actually on duty, or while traveling between
6 places of duty and carrying authorized weapons in the manner
7 prescribed by the appropriate military authorities;

8 (2) Federal law enforcement officers, and any other federal
9 officers and employees required to carry firearms in the
10 performance of their official duties;

11 (3) Members of the State Police and, under conditions
12 prescribed by the superintendent, members of the Marine Law
13 Enforcement Bureau of the Division of State Police;

14 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
15 assistant prosecutor, prosecutor's detective or investigator, deputy
16 attorney general or State investigator employed by the Division of
17 Criminal Justice of the Department of Law and Public Safety,
18 investigator employed by the State Commission of Investigation,
19 inspector of the Alcoholic Beverage Control Enforcement Bureau of
20 the Division of State Police in the Department of Law and Public
21 Safety authorized to carry weapons by the Superintendent of State
22 Police, State park police officer, or State conservation officer;

23 (5) Except as hereinafter provided, a State correctional police
24 officer, or a prison or jail warden of any penal institution in this
25 State or ¹[his] the warden's¹ deputies, or an employee of the
26 Department of Corrections engaged in the interstate transportation
27 of convicted offenders, while in the performance of ¹[his] the
28 employee's¹ duties, and when required to possess the weapon by
29 ¹[his] a¹ superior officer, or a **[corrections]** correctional police
30 officer or keeper of a penal institution in this State at all times while
31 in the State of New Jersey, provided ¹[he] the person¹ annually
32 passes an examination approved by the superintendent testing
33 ¹[his] the person's¹ proficiency in the handling of firearms;

34 (6) A civilian employee of the United States Government under
35 the supervision of the commanding officer of any post, camp,
36 station, base^{1,1} or other military or naval installation located in this
37 State who is required, in the performance of ¹[his] the employee's¹
38 official duties, to carry firearms, and who is authorized to carry
39 firearms by the commanding officer, while in the actual
40 performance of ¹[his] the employee's¹ official duties;

41 (7) (a) A regularly employed member, including a detective, of
42 the police department of any county or municipality, or of any
43 State, interstate, municipal^{1,1} or county park police force or
44 boulevard police force, at all times while in the State of New
45 Jersey;

1 (b) A special law enforcement officer authorized to carry a
2 weapon as provided in subsection b. of section 7 of P.L.1985, c.439
3 (C.40A:14-146.14);

4 (c) An airport security officer or a special law enforcement
5 officer appointed by the governing body of any county or
6 municipality, except as provided in ¹**【subsection】** subparagraph¹ (b)
7 of ¹paragraph (7) of¹ this ¹**【section】** subsection¹, or by the
8 commission, board or other body having control of a county park or
9 airport or boulevard police force, while engaged in the actual
10 performance of ¹**【his】** the officer's¹ official duties and when
11 specifically authorized by the governing body to carry weapons;

12 (8) A full-time, paid member of a paid or part-paid fire
13 department or force of any municipality who is assigned full-time
14 or part-time to an arson investigation unit created pursuant to
15 section 1 of P.L.1981, c.409 (C.40A:14-7.1) or to the county arson
16 investigation unit in the county prosecutor's office, while either
17 engaged in the actual performance of arson investigation duties or
18 while actually on call to perform arson investigation duties and
19 when specifically authorized by the governing body or the county
20 prosecutor, as the case may be, to carry weapons. Prior to being
21 permitted to carry a firearm, a member shall take and successfully
22 complete a firearms training course administered by the Police
23 Training Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et
24 seq.), and shall annually qualify in the use of a revolver or similar
25 weapon prior to being permitted to carry a firearm;

26 (9) A juvenile **【corrections】** correctional police officer in the
27 employment of the Juvenile Justice Commission established
28 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) subject to
29 the regulations promulgated by the commission;

30 (10) A designated employee or designated licensed agent for a
31 nuclear power plant under license of the Nuclear Regulatory
32 Commission, while in the actual performance of ¹**【his】** the
33 person's¹ official duties, if the federal licensee certifies that the
34 designated employee or designated licensed agent is assigned to
35 perform site protection, guard, armed response or armed escort
36 duties and is appropriately trained and qualified, as prescribed by
37 federal regulation, to perform those duties. Any firearm utilized by
38 an employee or agent for a nuclear power plant pursuant to this
39 paragraph shall be returned each day at the end of the employee's or
40 agent's authorized official duties to the employee's or agent's
41 supervisor. All firearms returned each day pursuant to this
42 paragraph shall be stored in locked containers located in a secure
43 area;

44 (11) A county **【corrections】** correctional police officer at all
45 times while in the State of New Jersey, provided **【he】** the officer
46 annually passes an examination approved by the superintendent
47 testing ¹**【his】** the officer's¹ proficiency in the handling of firearms.

1 b. Subsections a., b.^{1,1} and c. of N.J.S.2C:39-5 do not apply to:

2 (1) A law enforcement officer employed by a governmental
3 agency outside of the State of New Jersey while actually engaged in
4 **【his】 the officer's** official duties, provided, however, that **【he】 the**
5 **officer** has first notified the superintendent or the chief law
6 enforcement officer of the municipality or the prosecutor of the
7 county in which **【he】 the officer** is engaged; or

8 (2) A licensed dealer in firearms and **【his】 the dealer's**
9 registered employees during the course of their normal business
10 while traveling to and from their place of business and other places
11 for the purpose of demonstration, exhibition₂ or delivery in
12 connection with a sale, provided, however, that the weapon is
13 carried in the manner specified in subsection g. of this section.

14 c. Provided a person complies with the requirements of
15 subsection j. of this section, subsections b. and c. of N.J.S.2C:39-5
16 do not apply to:

17 (1) A special agent of the Division of Taxation who has passed
18 an examination in an approved police training program testing
19 proficiency in the handling of any firearm which **1【he】 the agent**¹
20 may be required to carry, while in the actual performance of **1【his】**
21 **the agent's**¹ official duties and while going to or from **1【his】 the**
22 **agent's**¹ place of duty, or any other police officer, while in the
23 actual performance of **1【his】 the officer's**¹ official duties;

24 (2) A State deputy conservation officer or a full-time employee
25 of the Division of Parks and Forestry having the power of arrest and
26 authorized to carry weapons, while in the actual performance of
27 **1【his】 the officer's**¹ official duties;

28 (3) (Deleted by amendment, P.L.1986, c.150.)

29 (4) A court attendant appointed by the sheriff of the county or
30 by the judge of any municipal court or other court of this State,
31 while in the actual performance of **1【his】 the attendant's**¹ official
32 duties;

33 (5) A guard employed by any railway express company, banking
34 or building and loan or savings and loan institution of this State,
35 while in the actual performance of **1【his】 the guard's**¹ official
36 duties;

37 (6) A member of a legally recognized military organization
38 while actually under orders or while going to or from the prescribed
39 place of meeting and carrying the weapons prescribed for drill,
40 exercise or parade;

41 (7) A humane law enforcement officer of the New Jersey
42 Society for the Prevention of Cruelty to Animals or of a county
43 society for the prevention of cruelty to animals, while in the actual
44 performance of **1【his】 the officer's**¹ duties;

45 (8) An employee of a public utilities corporation actually
46 engaged in the transportation of explosives;

1 (9) A railway policeman, except a transit police officer of the
2 New Jersey Transit Police Department, at all times while in the
3 State of New Jersey, provided that **'[he] the person'** has passed an
4 approved police academy training program consisting of at least
5 280 hours. The training program shall include, but need not be
6 limited to, the handling of firearms, community relations, and
7 juvenile relations;

8 (10) A campus police officer appointed under P.L.1970, c.211
9 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry
10 a firearm, a campus police officer shall take and successfully
11 complete a firearms training course administered by the Police
12 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
13 seq.), and shall annually qualify in the use of a revolver or similar
14 weapon prior to being permitted to carry a firearm;

15 (11) (Deleted by amendment, P.L.2003, c.168).

16 (12) A transit police officer of the New Jersey Transit Police
17 Department, at all times while in the State of New Jersey, provided
18 the officer has satisfied the training requirements of the Police
19 Training Commission, pursuant to subsection c. of section 2 of
20 P.L.1989, c.291 (C.27:25-15.1);

21 (13) A parole officer employed by the State Parole Board at all
22 times. Prior to being permitted to carry a firearm, a parole officer
23 shall take and successfully complete a basic course for regular
24 police officer training administered by the Police Training
25 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
26 shall annually qualify in the use of a revolver or similar weapon
27 prior to being permitted to carry a firearm;

28 (14) A Human Services police officer at all times while in the
29 State of New Jersey, as authorized by the Commissioner of Human
30 Services;

31 (15) A person or employee of any person who, pursuant to and as
32 required by a contract with a governmental entity, supervises or
33 transports persons charged with or convicted of an offense;

34 (16) A housing authority police officer appointed under
35 P.L.1997, c.210 (C.40A:14-146.19 et al.) at all times while in the
36 State of New Jersey; or

37 (17) A probation officer assigned to the "Probation Officer
38 Community Safety Unit" created by section 2 of P.L.2001, c.362
39 (C.2B:10A-2) while in the actual performance of the probation
40 officer's official duties. Prior to being permitted to carry a firearm,
41 a probation officer shall take and successfully complete a basic
42 course for regular police officer training administered by the Police
43 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
44 seq.), and shall annually qualify in the use of a revolver or similar
45 weapon prior to being permitted to carry a firearm.

46 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to
47 antique firearms, provided that the antique firearms are unloaded or
48 are being fired for the purposes of exhibition or demonstration at an

1 authorized target range or in another manner approved in writing by
2 the chief law enforcement officer of the municipality in which the
3 exhibition or demonstration is held, or if not held on property under
4 the control of a particular municipality, the superintendent.

5 (2) Subsection a. of N.J.S.2C:39-3 and subsection d. of
6 N.J.S.2C:39-5 do not apply to an antique cannon that is capable of
7 being fired but that is unloaded and immobile, provided that the
8 antique cannon is possessed by (a) a scholastic institution, a
9 museum, a municipality, a county or the State, or (b) a person who
10 obtained a firearms purchaser identification card as specified in
11 N.J.S.2C:58-3.

12 (3) Subsection a. of N.J.S.2C:39-3 and subsection d. of
13 N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is
14 being transported by one eligible to possess it, in compliance with
15 regulations the superintendent may promulgate, between its
16 permanent location and place of purchase or repair.

17 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of
18 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded
19 or fired by one eligible to possess an antique cannon, for purposes
20 of exhibition or demonstration at an authorized target range or in
21 the manner as has been approved in writing by the chief law
22 enforcement officer of the municipality in which the exhibition or
23 demonstration is held, or if not held on property under the control
24 of a particular municipality, the superintendent, provided that
25 performer has given at least 30 days' notice to the superintendent.

26 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
27 N.J.S.2C:39-5 do not apply to the transportation of unloaded
28 antique cannons directly to or from exhibitions or demonstrations
29 authorized under paragraph (4) of subsection d. of this section,
30 provided that the transportation is in compliance with safety
31 regulations the superintendent may promulgate. Those subsections
32 shall not apply to transportation directly to or from exhibitions or
33 demonstrations authorized under the law of another jurisdiction,
34 provided that the superintendent has been given 30 days' notice and
35 that the transportation is in compliance with safety regulations the
36 superintendent may promulgate.

37 e. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall
38 be construed to prevent a person keeping or carrying about ¹**[his]**
39 the person's¹ place of business, residence, premises^{1,1} or other land
40 owned or possessed by ¹**[him]** the person¹, any firearm, or from
41 carrying the same, in the manner specified in subsection g. of this
42 section, from any place of purchase to ¹**[his]** the person's¹
43 residence or place of business, between ¹**[his]** the person's¹
44 dwelling and ¹**[his]**¹ place of business, between one place of
45 business or residence and another when moving, or between ¹**[his]**
46 the person's¹ dwelling or place of business and place where the
47 firearms are repaired, for the purpose of repair. For the purposes of

1 this section, a place of business shall be deemed to be a fixed
2 location.

3 f. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall
4 be construed to prevent:

5 (1) A member of any rifle or pistol club organized in accordance
6 with the rules prescribed by the National Board for the Promotion
7 of Rifle Practice, in going to or from a place of target practice,
8 carrying firearms necessary for target practice, provided that the
9 club has filed a copy of its charter with the superintendent and
10 annually submits a list of its members to the superintendent and
11 provided further that the firearms are carried in the manner
12 specified in subsection g. of this section;

13 (2) A person carrying a firearm or knife in the woods or fields
14 or upon the waters of this State for the purpose of hunting, target
15 practice or fishing, provided that the firearm or knife is legal and
16 appropriate for hunting or fishing purposes in this State and **'[he]**
17 **the person**¹ has in **'[his]'**¹ possession a valid hunting license, or,
18 with respect to fresh water fishing, a valid fishing license;

19 (3) A person transporting any firearm or knife while traveling:

20 (a) Directly to or from any place for the purpose of hunting or
21 fishing, provided the person has in **'[his]'**¹ possession a valid
22 hunting or fishing license; or

23 (b) Directly to or from any target range, or other authorized
24 place for the purpose of practice, match, target, trap or skeet
25 shooting exhibitions, provided in all cases that during the course of
26 the travel all firearms are carried in the manner specified in
27 subsection g. of this section and the person has complied with all
28 the provisions and requirements of Title 23 of the Revised Statutes
29 and any amendments thereto and all rules and regulations
30 promulgated thereunder; or

31 (c) In the case of a firearm, directly to or from any exhibition or
32 display of firearms which is sponsored by any law enforcement
33 agency, any rifle or pistol club, or any firearms collectors club, for
34 the purpose of displaying the firearms to the public or to the
35 members of the organization or club, provided, however, that not
36 less than 30 days prior to the exhibition or display, notice of the
37 exhibition or display shall be given to the Superintendent of the
38 State Police by the sponsoring organization or club, and the sponsor
39 has complied with any reasonable safety regulations the
40 superintendent may promulgate. Any firearms transported pursuant
41 to this section shall be transported in the manner specified in
42 subsection g. of this section;

43 (4) A person from keeping or carrying about a private or
44 commercial aircraft or any boat, or from transporting to or from the
45 aircraft or boat for the purpose of installation or repair of a visual
46 distress signaling device approved by the United States Coast
47 Guard.

1 g. Any weapon being transported under paragraph (2) of
2 subsection b., subsection e., or paragraph (1) or (3) of subsection f.
3 of this section shall be carried unloaded and contained in a closed
4 and fastened case, gunbox, securely tied package, or locked in the
5 trunk of the automobile in which it is being transported, and in the
6 course of travel shall include only deviations as are reasonably
7 necessary under the circumstances.

8 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
9 to prevent any employee of a public utility, as defined in R.S.48:2-
10 13, doing business in this State or any United States Postal Service
11 employee, while in the actual performance of duties which
12 specifically require regular and frequent visits to private premises,
13 from possessing, carrying or using any device which projects,
14 releases or emits any substance specified as being noninjurious to
15 canines or other animals by the Commissioner of Health and which
16 immobilizes only on a temporary basis and produces only
17 temporary physical discomfort through being vaporized or
18 otherwise dispensed in the air for the sole purpose of repelling
19 canine or other animal attacks.

20 The device shall be used solely to repel only those canine or
21 other animal attacks when the canines or other animals are not
22 restrained in a fashion sufficient to allow the employee to properly
23 perform ¹~~his~~ the employee's¹ duties.

24 Any device used pursuant to this act shall be selected from a list
25 of products, which consist of active and inert ingredients, permitted
26 by the Commissioner of Health.

27 i. (1) Nothing in N.J.S.2C:39-5 shall be construed to prevent
28 any person who is 18 years of age or older and who has not been
29 convicted of a crime, from possession for the purpose of personal
30 self-defense of one pocket-sized device which contains and releases
31 not more than three-quarters of an ounce of chemical substance not
32 ordinarily capable of lethal use or of inflicting serious bodily injury,
33 but rather, is intended to produce temporary physical discomfort or
34 disability through being vaporized or otherwise dispensed in the air.
35 Any person in possession of any device in violation of this
36 subsection shall be deemed and adjudged to be a disorderly person,
37 and upon conviction thereof, shall be punished by a fine of not less
38 than \$100.

39 (2) Notwithstanding the provisions of paragraph (1) of this
40 subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a
41 health inspector or investigator operating pursuant to the provisions
42 of section 7 of P.L.1977, c.443 (C.26:3A2-25) or a building
43 inspector from possessing a device which is capable of releasing
44 more than three-quarters of an ounce of a chemical substance, as
45 described in paragraph (1), while in the actual performance of the
46 inspector's or investigator's duties, provided that the device does not
47 exceed the size of those used by law enforcement.

1 j. A person shall qualify for an exemption from the provisions
2 of N.J.S.2C:39-5, as specified under subsections a. and c. of this
3 section, if the person has satisfactorily completed a firearms
4 training course approved by the Police Training Commission.

5 The exempt person shall not possess or carry a firearm until the
6 person has satisfactorily completed a firearms training course and
7 shall annually qualify in the use of a revolver or similar weapon.
8 For purposes of this subsection, a "firearms training course" means
9 a course of instruction in the safe use, maintenance and storage of
10 firearms which is approved by the Police Training Commission.
11 The commission shall approve a firearms training course if the
12 requirements of the course are substantially equivalent to the
13 requirements for firearms training provided by police training
14 courses which are certified under section 6 of P.L.1961, c.56
15 (C.52:17B-71). A person who is specified in paragraph (1), (2), (3),
16 or (6) of subsection a. of this section shall be exempt from the
17 requirements of this subsection.

18 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
19 to prevent any financial institution, or any duly authorized
20 personnel of the institution, from possessing, carrying or using for
21 the protection of money or property, any device which projects,
22 releases or emits tear gas or other substances intended to produce
23 temporary physical discomfort or temporary identification.

24 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed
25 to prevent a law enforcement officer who retired in good standing,
26 including a retirement because of a disability pursuant to section 6
27 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
28 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1), or any
29 substantially similar statute governing the disability retirement of
30 federal law enforcement officers, provided the officer was a
31 regularly employed, full-time law enforcement officer for an
32 aggregate of four or more years prior to ¹~~his~~ the officer's¹
33 disability retirement and further provided that the disability which
34 constituted the basis for the officer's retirement did not involve a
35 certification that the officer was mentally incapacitated for the
36 performance of ¹~~his~~ the officer's¹ usual law enforcement duties
37 and any other available duty in the department which ¹~~his~~ the
38 officer's¹ employer was willing to assign to ¹~~him~~ the officer¹ or
39 does not subject that retired officer to any of the disabilities set
40 forth in subsection c. of N.J.S.2C:58-3 which would disqualify the
41 retired officer from possessing or carrying a firearm, who semi-
42 annually qualifies in the use of the handgun ¹~~he~~ the officer¹ is
43 permitted to carry in accordance with the requirements and
44 procedures established by the Attorney General pursuant to
45 subsection j. of this section and pays the actual costs associated
46 with those semi-annual qualifications, who is 75 years of age or
47 younger, and who was regularly employed as a full-time member of

1 the State Police; a full-time member of an interstate police force; a
2 full-time member of a county or municipal police department in this
3 State; a full-time member of a State law enforcement agency; a full-
4 time sheriff, undersheriff or sheriff's officer of a county of this
5 State; a full-time State correctional police officer or county
6 **【corrections】** correctional police officer; a full-time State or county
7 park police officer; a full-time special agent of the Division of
8 Taxation; a full-time Human Services police officer; a full-time
9 transit police officer of the New Jersey Transit Police Department; a
10 full-time campus police officer exempted pursuant to paragraph
11 (10) of subsection c. of this section; a full-time State conservation
12 officer exempted pursuant to paragraph (4) of subsection a. of this
13 section; a full-time Palisades Interstate Park officer appointed
14 pursuant to R.S.32:14-21; a full-time Burlington County Bridge
15 police officer appointed pursuant to section 1 of P.L.1960, c.168
16 (C.27:19-36.3); a full-time housing authority police officer
17 exempted pursuant to paragraph (16) of subsection c. of this
18 section; a full-time juvenile **【corrections】** correctional police
19 officer exempted pursuant to paragraph (9) of subsection a. of this
20 section; a full-time parole officer exempted pursuant to paragraph
21 (13) of subsection c. of this section; a full-time railway policeman
22 exempted pursuant to paragraph (9) of subsection c. of this section;
23 a full-time county prosecutor's detective or investigator; a full-time
24 federal law enforcement officer; or is a qualified retired law
25 enforcement officer, as used in the federal "Law Enforcement
26 Officers Safety Act of 2004," Pub.L. 108-277, domiciled in this
27 State from carrying a handgun in the same manner as law
28 enforcement officers exempted under paragraph (7) of subsection a.
29 of this section under the conditions provided herein:

30 (1) The retired law enforcement officer shall make application
31 in writing to the Superintendent of State Police for approval to carry
32 a handgun for one year. An application for annual renewal shall be
33 submitted in the same manner.

34 (2) Upon receipt of the written application of the retired law
35 enforcement officer, the superintendent shall request a verification
36 of service from the chief law enforcement officer of the
37 organization in which the retired officer was last regularly
38 employed as a full-time law enforcement officer prior to retiring.
39 The verification of service shall include:

40 (a) The name and address of the retired officer;

41 (b) The date that the retired officer was hired and the date that
42 the officer retired;

43 (c) A list of all handguns known to be registered to that officer;

44 (d) A statement that, to the reasonable knowledge of the chief
45 law enforcement officer, the retired officer is not subject to any of
46 the restrictions set forth in subsection c. of N.J.S.2C:58-3; and

47 (e) A statement that the officer retired in good standing.

1 (3) If the superintendent approves a retired officer's application
2 or reapplication to carry a handgun pursuant to the provisions of
3 this subsection, the superintendent shall notify in writing the chief
4 law enforcement officer of the municipality wherein that retired
5 officer resides. In the event the retired officer resides in a
6 municipality which has no chief law enforcement officer or law
7 enforcement agency, the superintendent shall maintain a record of
8 the approval.

9 (4) The superintendent shall issue to an approved retired officer
10 an identification card permitting the retired officer to carry a
11 handgun pursuant to this subsection. This identification card shall
12 be valid for one year from the date of issuance and shall be valid
13 throughout the State. The identification card shall not be
14 transferable to any other person. The identification card shall be
15 carried at all times on the person of the retired officer while the
16 retired officer is carrying a handgun. The retired officer shall
17 produce the identification card for review on the demand of any law
18 enforcement officer or authority.

19 (5) Any person aggrieved by the denial of the superintendent of
20 approval for a permit to carry a handgun pursuant to this subsection
21 may request a hearing in the Superior Court of New Jersey in the
22 county in which ¹~~he~~ the person¹ resides by filing a written
23 request for a hearing within 30 days of the denial. Copies of the
24 request shall be served upon the superintendent and the county
25 prosecutor. The hearing shall be held within 30 days of the filing of
26 the request, and no formal pleading or filing fee shall be required.
27 Appeals from the determination of the hearing shall be in
28 accordance with law and the rules governing the courts of this State.

29 (6) A judge of the Superior Court may revoke a retired officer's
30 privilege to carry a handgun pursuant to this subsection for good
31 cause shown on the application of any interested person. A person
32 who becomes subject to any of the disabilities set forth in
33 subsection c. of N.J.S.2C:58-3 shall surrender, as prescribed by the
34 superintendent, ¹~~his~~ the person's¹ identification card issued under
35 paragraph (4) of this subsection to the chief law enforcement officer
36 of the municipality wherein ¹~~he~~ the person¹ resides or the
37 superintendent, and shall be permanently disqualified to carry a
38 handgun under this subsection.

39 (7) The superintendent may charge a reasonable application fee
40 to retired officers to offset any costs associated with administering
41 the application process set forth in this subsection.

42 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
43 to prevent duly authorized personnel of the New Jersey Division of
44 Fish and Wildlife, while in the actual performance of duties, from
45 possessing, transporting or using any device that projects, releases
46 or emits any substance specified as being non-injurious to wildlife
47 by the Director of the Division of Animal Health in the Department
48 of Agriculture, and which may immobilize wildlife and produces

1 only temporary physical discomfort through being vaporized or
2 otherwise dispensed in the air for the purpose of repelling bear or
3 other animal attacks or for the aversive conditioning of wildlife.

4 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall
5 be construed to prevent duly authorized personnel of the New
6 Jersey Division of Fish and Wildlife, while in the actual
7 performance of duties, from possessing, transporting or using hand
8 held pistol-like devices, rifles or shotguns that launch pyrotechnic
9 missiles for the sole purpose of frightening, hazing or aversive
10 conditioning of nuisance or depredating wildlife; from possessing,
11 transporting or using rifles, pistols or similar devices for the sole
12 purpose of chemically immobilizing wild or non-domestic animals;
13 or, provided the duly authorized person complies with the
14 requirements of subsection j. of this section, from possessing,
15 transporting or using rifles or shotguns, upon completion of a Police
16 Training Commission approved training course, in order to dispatch
17 injured or dangerous animals or for non-lethal use for the purpose
18 of frightening, hazing or aversive conditioning of nuisance or
19 depredating wildlife.

20 (cf: P.L.2017, c.293, s.3)]³

21

22 ³[7.] 6.³ Section 1 of P.L.2006, c.54 (C.30:8-18.2) is amended
23 to read as follows:

24 1. A person shall not be removed from employment or a
25 position as a county [corrections] correctional police officer, or
26 suspended, fined or reduced in rank for a violation of the internal
27 rules and regulations established for the conduct of employees of
28 the county corrections department, unless a complaint charging a
29 violation of those rules and regulations is filed no later than the
30 45th day after the date on which the person filing the complaint
31 obtained sufficient information to file the matter upon which the
32 complaint is based. A failure to comply with this section shall
33 require a dismissal of the complaint. The 45-day time limit shall not
34 apply if an investigation of a county [corrections] correctional
35 police officer for a violation of the internal rules and regulations of
36 the county corrections department is included directly or indirectly
37 within a concurrent investigation of that officer for a violation of
38 the criminal laws of this State; the 45-day limit shall begin on the
39 day after the disposition of the criminal investigation. The 45-day
40 requirement in this section for the filing of a complaint against a
41 county [corrections] correctional police officer shall not apply to a
42 filing of a complaint by a private individual.

43 (cf: P.L.2006, c.54, s.1)

44

45 ³[8.] 7.³ Section 2 of P.L.2010, c.103 (C.40A:14-180.2) is
46 amended to read as follows:

1 2. a. The provisions of any other law to the contrary
2 notwithstanding, the appointing authority of a county correctional
3 facility, be that the governing body of the county pursuant to
4 R.S.30:8-19 or the sheriff pursuant to R.S.30:8-17, may appoint as a
5 county correctional police officer any person who:

6 (1) was serving as a county correctional police officer in good
7 standing in any county correctional facility in this State; and

8 (2) satisfactorily completed a working test period in a county
9 correctional police officer title or in a county which has adopted
10 Title 11A, Civil Service, of the New Jersey Statutes or satisfactorily
11 completed a comparable, documented probationary period in a
12 county correctional title in a county which has not adopted Title
13 11A, Civil Service; and

14 (3) was, for reasons of economy, terminated as a county
15 correctional police officer within 60 months prior to the
16 appointment.

17 b. The appointing authority of a county correctional facility
18 may employ such a person notwithstanding that:

19 (1) Title 11A, Civil Service, of the New Jersey Statutes is
20 operative in that county;

21 (2) the appointing authority has available to it an eligible or
22 regular reemployment list of **【corrections】** correctional police
23 officers eligible for **【such】** appointments; and

24 (3) the appointed person is not on any eligible list. If the county
25 appointing authority is subject to the provisions of Title 11A, Civil
26 Service, it may not employ **【such a】** the person if a special
27 reemployment list is in existence for the county **【corrections】**
28 correctional police officer title to be filled.

29 c. If the county appointing authority determines to appoint a
30 person pursuant to the provisions of this act, it shall give first
31 priority in making **【such】** the appointments to residents of the
32 county.

33 d. The seniority, seniority-related privileges, and rank a county
34 **【corrections】** correctional ¹**【police】** police¹ officer possessed with
35 the employer who terminated the officer's employment for reasons
36 of economy shall not be transferable to a new position when the
37 officer is appointed to a county **【corrections】** correctional police
38 officer position pursuant to the provisions of this section.

39 (cf: P.L.2010, c.103, s.2)

40
41 ³**【9.】** 8.³ Section 2 of P.L.1961, c.56 (C.52:17B-67) is
42 amended to read as follows:

43 2. As used in this act:

44 "Approved school" shall mean a school approved and authorized
45 by the Police Training Commission to give police training courses
46 or a training course for State and county **【corrections】** correctional

1 police officers and juvenile detention officers as prescribed in this
2 act.

3 "Commission" shall mean the Police Training Commission or
4 officers or employees thereof acting on its behalf.

5 "County" shall mean any county which within its jurisdiction has
6 or shall have a law enforcement unit as defined in this act.

7 "Law enforcement unit" shall mean any police force or
8 organization in a municipality or county which has by statute or
9 ordinance the responsibility of detecting crime and enforcing the
10 general criminal laws of this State.

11 "Municipality" shall mean a city of any class, township, borough,
12 village, camp meeting association, or any other type of municipality
13 in this State which, within its jurisdiction, has or shall have a law
14 enforcement unit as defined in this act.

15 "Permanent appointment" shall mean an appointment having
16 permanent status as a police officer in a law enforcement unit as
17 prescribed by Title 11A of the New Jersey Statutes, Civil Service
18 Commission Rules and Regulations, or of any other law of this
19 State, municipal ordinance, or rules and regulations adopted
20 thereunder.

21 "Police officer" shall mean any employee of a law enforcement
22 unit, including sheriff's officers and county investigators in the
23 office of the county prosecutor, other than civilian heads thereof,
24 assistant prosecutors and legal assistants, persons appointed
25 pursuant to the provisions of R.S.40:47-19, persons whose duties do
26 not include any police function, court attendants, State and county
27 **【corrections】** correctional police officers, juvenile **【corrections】**
28 correctional police officers, and juvenile detention officers.

29 (cf: P.L.1995, c.280, s.54)

30

31 ³**【10.】** 9.³ Section 6 of P.L.1961, c.56 (C.52:17B-71) is
32 amended to read as follows:

33 6. The commission is vested with the power, responsibility and
34 duty:

35 a. To prescribe standards for the approval and continuation of
36 approval of schools at which police training courses authorized by
37 this act and in-service police training courses shall be conducted,
38 including but not limited to **【presently】** currently existing regional,
39 county, municipal, and police chief association police training
40 schools or at which basic training courses and in-service training
41 courses shall be conducted for State and county juvenile and adult
42 **【corrections】** correctional police officers and juvenile detention
43 officers;

44 b. To approve and issue certificates of approval to **【such】** these
45 schools, to inspect **【such】** the schools from time to time, and to
46 revoke any approval or certificate issued to **【such】** the schools;

- 1 c. To prescribe the curriculum, the minimum courses of study,
2 attendance requirements, equipment and facilities, and standards of
3 operation for **[such]** these schools. Courses of study in crime
4 prevention may be recommended to the Police Training
5 Commission by the Crime Prevention Advisory Committee,
6 established by section 2 of P.L.1985, c.1 (C.52:17B-77.1). The
7 Police Training Commission may prescribe psychological and
8 psychiatric examinations for police recruits while in **[such]** the
9 schools;
- 10 d. To prescribe minimum qualifications for instructors at
11 **[such]** these schools and to certify, as qualified, instructors for
12 approved police training schools and to issue appropriate
13 certificates to **[such]** the instructors;
- 14 e. To certify police officers, **[corrections]** correctional police
15 officers, juvenile **[corrections]** correctional police officers, and
16 juvenile detention officers who have satisfactorily completed
17 training programs and to issue appropriate certificates to **[such]** the
18 police officers, **[corrections]** correctional police officers, juvenile
19 **[corrections]** correctional police officers, and juvenile detention
20 officers;
- 21 f. To advise and consent in the appointment of an
22 administrator of police services by the Attorney General pursuant to
23 section 8 of P.L.1961, c.56 (C.52:17B-73);
- 24 g. (Deleted by amendment, P.L.1985, c.491.
- 25 h. To make **[such]** rules and regulations as may be reasonably
26 necessary or appropriate to accomplish the purposes and objectives
27 of this act;
- 28 i. To make a continuous study of police training methods and
29 training methods for **[corrections]** correctional police officers,
30 juvenile **[corrections]** correctional police officers, and juvenile
31 detention officers and to consult and accept the cooperation of any
32 recognized federal or State law enforcement agency or educational
33 institution;
- 34 j. To consult and cooperate with universities, colleges, and
35 institutes in the State for the development of specialized courses of
36 study for police officers in police science and police administration;
- 37 k. To consult and cooperate with other departments and
38 agencies of the State concerned with police training or the training
39 of **[corrections]** correctional police officers, juvenile **[corrections]**
40 correctional police officers, and juvenile detention officers;
- 41 l. To participate in unified programs and projects relating to
42 police training and the training of **[corrections]** correctional police
43 officers, juvenile **[corrections]** correctional police officers, and
44 juvenile detention officers sponsored by any federal, State, or other
45 public or private agency;

- 1 m. To perform ¹**["such"]**¹ other acts as may be necessary or
2 appropriate to carry out its functions and duties as set forth in this
3 act;
- 4 n. To extend the time limit for satisfactory completion of police
5 training programs or programs for the training of **["corrections"]**
6 correctional police officers, juvenile **["corrections"]** correctional
7 police officers, and juvenile detention officers upon a finding that
8 health, extraordinary workload, or other factors have, singly or in
9 combination, effected a delay in the satisfactory completion of
10 **["such"]** the training program;
- 11 o. To furnish approved schools, for inclusion in their regular
12 police training courses and curriculum, with information concerning
13 the advisability of high speed chases, the risk caused **["thereby"]** by
14 them, and the benefits resulting **["therefrom"]** from them;
- 15 p. To review and approve new standards and course curricula
16 developed by the Department of Corrections for both basic and in-
17 service training of State and county **["corrections"]** correctional
18 police officers and juvenile detention officers. These courses for
19 the State **["corrections"]** correctional police officers and juvenile
20 detention officers shall be centrally provided at the Corrections
21 Officers' Training Academy of the Department of Corrections.
22 Courses for the county **["corrections"]** correctional police officers
23 and juvenile detention officers shall also be centrally provided at
24 the Corrections Officers' Training Academy unless an off-grounds
25 training program is established by the county. A county may elect
26 to establish and conduct a basic training program for **["corrections"]**
27 correctional police officers and juvenile detention officers seeking
28 permanent appointment in that county. The Corrections Officers'
29 Training Academy shall develop the curriculum of the basic
30 training program to be conducted by a county;
- 31 q. To administer and distribute the monies in the Law
32 Enforcement Officers Training and Equipment Fund established by
33 section 9 of P.L.1996, c.115 (C.2C:43-3.3) and make **["such"]** rules
34 and regulations for the administration and distribution of the monies
35 as may be necessary or appropriate to accomplish the purpose for
36 which the fund was established.
37 (cf: P.L.1996, c.115, s.6)
- 38
- 39 ³**["11."] 10.**³ Section 1 of P.L.2013, c.177 (C.52:18A-218.1) is
40 amended to read as follows:
- 41 1. As used in this act:
- 42 "Family" means the spouse, parent, children^{1,1} or other person
43 who pays the funeral expenses of a public safety employee who is
44 killed in the line of duty ¹**["; and"]**¹
- 45 "Public safety employee" means a permanent, full-time member
46 of a State, county^{1,1} or municipal law enforcement agency or a

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36

1 county sheriff's office who is statutorily empowered to act for the
2 detection, apprehension, arrest, and conviction of offenders against
3 the laws of this State; an active member in good standing of a paid,
4 part-paid^{1,1} or volunteer fire department or of a duly incorporated
5 first aid, emergency, ambulance or rescue squad; or a State or
6 county correctional police officer.

7 (cf: P.L.2013, c.177, s.1)

8

9 ³**[12.]** 11.³ This act shall take effect on the first day of the
10 fourth month next following enactment.

11

12

13

14

15 Renames county corrections officers as county correctional
16 police officers.